

PROPOSED POLICE REFORM LEGISLATION:
MOBILE MEDICAL AND CRISIS RESPONSE TEAMS

by
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A capstone project submitted to Johns Hopkins University in conformity with the requirements
for the degree of Master of Arts in Public Management

Baltimore, Maryland
December, 2020

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Abstract

There is overwhelming evidence of police brutality as an ongoing issue across the US. In addition to demands from activists and citizens to do something about police brutality, there is bipartisan agreement that something must be done to address it. President Trump signed the Executive Order on Safe Policing for Safe Communities on June 16, 2020, providing federal grants to support best practices in police departments. The House of Representatives and the Senate have introduced their own bills, but have not been able to negotiate across political lines for either to advance. Neither bill, nor the Executive Order on Safe Policing for Safe Communities, addresses a key demand of protesters: defunding police organizations in favor of social services. This policy proposal is one of several police reform measures which may be taken. It does not address the issue of police brutality directly; rather, it provides a workaround in which medical and mental health professionals intervene on behalf of police in non-violent crises. Benefits include significant cost savings, proven efficacy of such interventions, and meeting the medical and mental health needs of vulnerable populations more appropriately. Decreasing police engagements and providing more appropriate support for medical and mental health needs likely equates to decreased instances of police brutality, though there is little evidence to support this hypothesis at this time. Drawbacks include the difficulty of scaling to a national level, particularly due to its dependence on existing social service networks in order to process funding, manage programs, and provide services. The quality, or even the existence, of social service networks are highly variable across the country. Additionally, pushback is expected from conservative lawmakers and voters, and especially police unions, which have proven formidable adversaries to police reform across the country.

Advisor: Professor Paul Weinstein

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MEMORANDUM FOR THE HONORABLE GAVIN NEWSOM, GOVERNOR, STATE OF CALIFORNIA

DATE: November 24, 2020

FROM: Kelsey L. Mackay

SUBJECT: Proposed Police Reform Legislation

I. Action-Forcing Event

President Trump signed the Executive Order on Safe Policing for Safe Communities on June 16, 2020, providing federal grants to support best practices in police departments¹. On June 25, the House of Representatives passed the George Floyd Justice in Policing Act of 2020, which includes specific police reform measures. The bill is not expected to advance in the Senate².

II. Statement of the Problem

Police brutality is unwarranted or excessive use of force against civilians by U.S. police officers including various forms of mistreatment such as harassment, intimidation, verbal abuse, assault and battery (such as beatings), mayhem, torture, and murder.³ Data suggests police brutality is a pervasive issue in the US. According to one study, nearly one million US residents age 16 or older experienced the threat or use of force by police in 2015, which is the use of physical force to include the use of weapons in the execution of their duty.⁴ Furthermore, US police killings far exceed other developed nations. The US recorded 1,099 deaths in 2019,

¹ "Executive Order on Safe Policing for Safe Communities", the White House, June 16, 2020,

<https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>.

² "US House Passes 'George Floyd' Police Reform Bill", *BBC News*, June 26, 2020 <https://www.bbc.com/news/world-us-canada-53188189>.

³ "Police Brutality in the United States", *Britannica*, <https://www.britannica.com/topic/Police-Brutality-in-the-United-States-2064580>.

⁴ Alexi Jones, "Police Stops are Still Marred by Racial Discrimination, New Data Shows", *Prison Policy Initiative*, October 12, 2018, <https://www.prisonpolicy.org/blog/2018/10/12/policing/>.

whereas Canada recorded the next highest number at 9.8.⁵ When measured according to population, the US recorded 33.5 deaths per 10 million, compared to Canada with 9.8 deaths per 10 million (see Figure 1).⁶ At the same time, charges and convictions against police officers are rare. Of all documented police killings from 2013 – 2019, only 2.6% of cases led to charges, and 1% of cases led to conviction.⁷ Further evidence suggests police killings of unarmed citizens is both widespread and underreported.⁸ The evidence is clear that police brutality in the US is far more common than in equivalent nations.

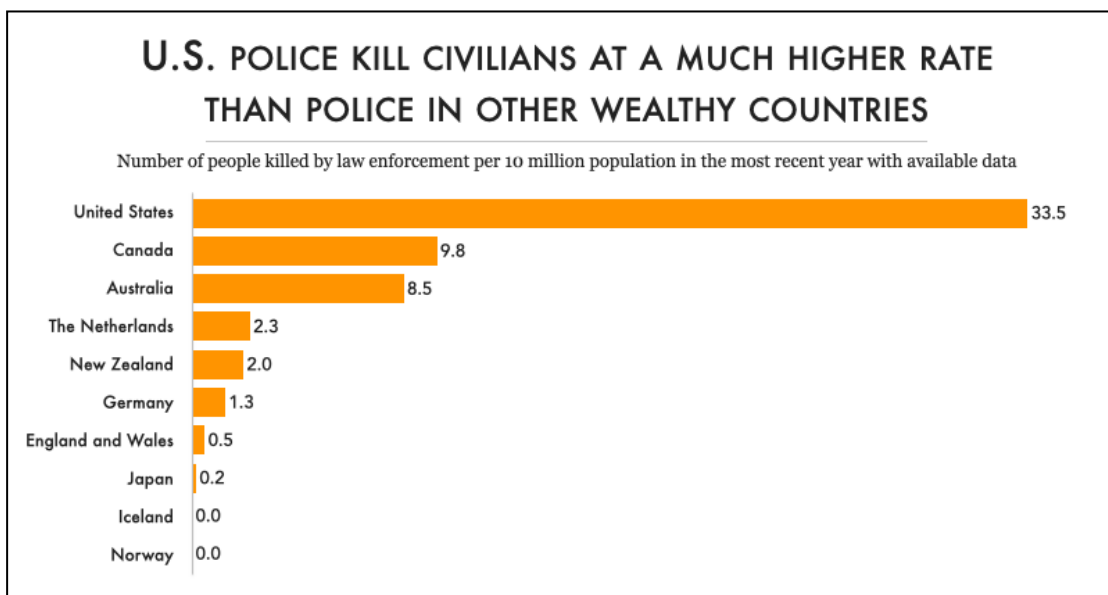


Figure 1. U.S. Police kill civilians at a much higher rate than police in other wealthy countries.⁹

Black Americans in particular experience high rates of police brutality, which frequently result in death (see Figure 2).¹⁰ Research shows people who experienced police threats and use

⁵ Alexi Jones and Wendy Sawyer, “Not Just ‘A Few Bad Apples’: US Police Kill Civilians at Much Higher Rates Than Other Countries”, *Prison Policy Initiative*, June 05, 2020, <https://www.prisonpolicy.org/blog/2020/06/05/policekillings/>.

⁶ Jones and Sawyer, “Not Just ‘A Few Bad Apples’”.

⁷ Laura Bult, “A Timeline of 1,944 Black Americans Killed by Police”, *Vox*, June 30, 2020, <https://www.vox.com/2020/6/30/21306843/black-police-killings>.

⁸ Cheryl Corley, “Police Settlements: How The Cost Of Misconduct Impacts Cities And Taxpayers”, *NPR*, September 19, 2020, <https://www.npr.org/2020/09/19/914170214/police-settlements-how-the-cost-of-misconduct-impacts-cities-and-taxpayers>.

⁹ Jones and Sawyer, “Not Just ‘A Few Bad Apples’”.

¹⁰ Bult, “A Timeline of 1,944 Black Americans Killed by Police”.

of force were disproportionately Black and Hispanic.¹¹ Despite accounting for only 13% of the population, Black Americans are killed at almost three times the rate of White Americans.¹² While this has been a reality in the US for some time, the police killing of George Floyd, a Black man, on May 25, 2020 sparked widespread national protests against police brutality with calls to defund police departments and reform police practices. Protests have been ongoing since May in all 50 states and Washington DC, which speaks to the prevalence of this issue.¹³ In June, the White House and House of Representatives responded with legislation to address policing practices in the US, but this has not quelled protest activity.

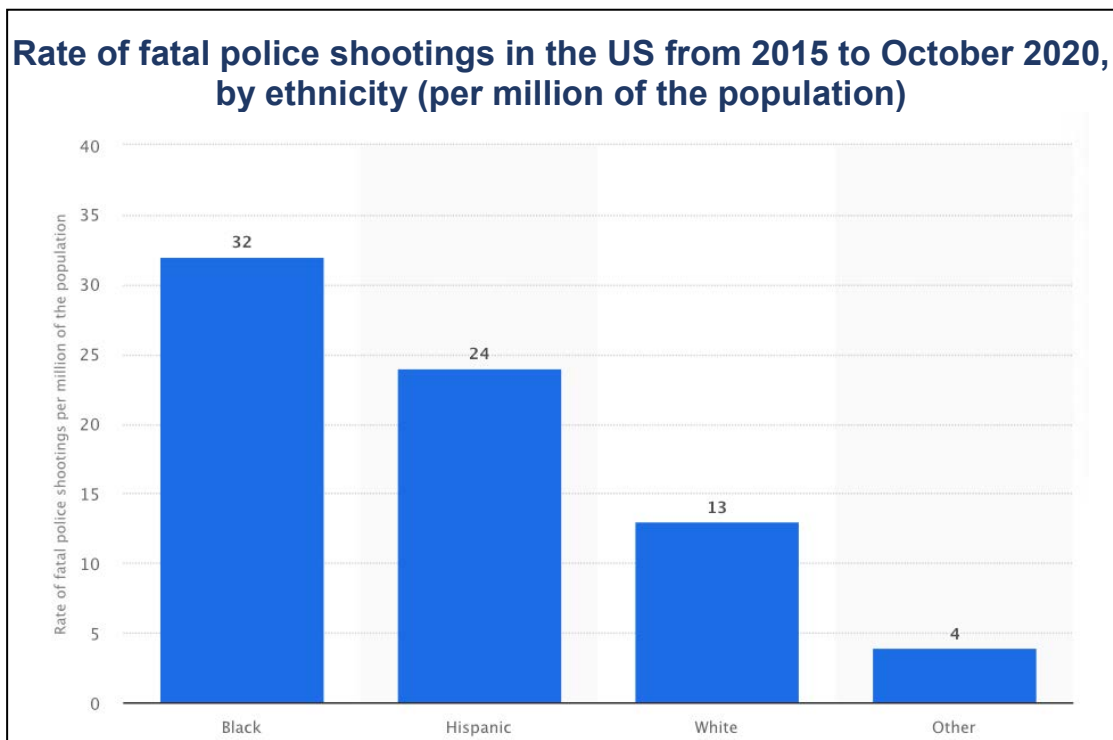


Figure 2. Rate of fatal police shootings in the US from 2015 to October 2020, by ethnicity (per million of the population).¹⁴

¹¹ Jones, "Police Stops are Still Marred by Racial Discrimination".

¹² Bult, "A Timeline of 1,944 Black Americans Killed by Police".

¹³ Emily Sakzewski, "Five Key Numbers from the US Protests Against Police Brutality Since George Floyd's Death", *ABC News* (Australian Broadcasting Corporation), June 05, 2020, <https://www.abc.net.au/news/2020-06-05/us-protest-map-arrests-deaths-curfews-since-george-floyd-death/12319512>.

¹⁴ Statista Research Department, November 02, 2020, <https://www.statista.com/statistics/1123070/police-shootings-rate-ethnicity-us/>.

While protests have been overwhelmingly peaceful, over 9,000 people have been arrested and 11 killed.¹⁵ Interestingly, accounts from journalists and protestors, including video, have provided the largest collection of documented police brutality to date, in this case showing how protestors have been treated by police.¹⁶ Police have been documented shoving, punching, kicking, and beating journalists and protestors, as well as using pepper spray, tear gas, rubber bullets, and driving vehicles into crowds.¹⁷ This behavior has been widely condemned by civil rights groups, as well as the International Crisis Group and the United Nations, and suggests recent legislative action has had little impact to date.¹⁸

Police brutality comes at significant cost and impacts all citizens. First, victims of police brutality experience injury and death, but loved ones are also traumatized. They may experience loss as economic or emotional, or both, and suffer from Post-Traumatic Stress Disorder and disenfranchised grief.¹⁹ Collette Flanagan is the mother of Clinton Allen, a 25-year-old Black man who was shot and killed by police in Dallas in 2013, though he was unarmed and, according to witnesses, complying with police commands with his hands raised.²⁰ Ms. Flanagan believes it was the experience of her son's death and the difficulty finding support afterward which caused her husband to suffer multiple strokes and resulted in her own diagnosis of PTSD.²¹ She explains finding a therapist who could even comprehend her son's death at the hands of police was impossible, as well as the pain of trying to pay for a funeral with no support or communication from police, and the ongoing traumatization caused by police and

¹⁵ Sakzewski, "Five Key Numbers from the US Protests Against Police Brutality".

¹⁶ Adam Gabbatt, "Protests About Police Brutality are Met With Wave of Police Brutality Across US", *The Guardian*, June 06, 2020, <https://www.theguardian.com/us-news/2020/jun/06/police-violence-protests-us-george-floyd>.

¹⁷ Gabbatt, "Protests About Police Brutality are Met with Wave of Police Brutality Across US".

¹⁸ Gabbatt, "Protests About Police Brutality are Met with Wave of Police Brutality Across US".

¹⁹ Eleanor Lumsden, "How Much is Police Brutality Costing America?", *University of Hawai'i Law Review* Vol 40(1) 142-201, March 12, 2017, <https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1806&context=pubs>.

²⁰ Adam Hudson, "Families of Police Violence Victims Face Trauma Without Support", *Truthout*, June 07, 2015, <https://truthout.org/articles/families-of-murdered-black-men-deal-with-trauma-channel-anger/>.

²¹ Hudson, "Families of Police Violence Victims Face Trauma Without Support".

government officials who continually deny the reality of police brutality in local communities.²²

Research suggests mental health issues attributed to racist incidents are often questioned by professionals, which perpetuates symptoms of anxiety, depression, and PTSD, and furthermore, clients who seek mental healthcare to address race-based trauma may be further traumatized by microaggressions (defined as subtle racist slights) from their own therapists.²³

Second, police brutality is an infringement on constitutional rights, such as equal protection under the law and the right to peaceful protest.²⁴ Third, police brutality has a financial impact on local and state governments. For example, the average settlement in a wrongful death case in the US is between \$1 million and \$6 million dollars, and the officers involved are almost never held financially liable.²⁵ A 2006 – 2011 study examined 44 of the largest police jurisdictions in the US, and found 9,225 civil rights damages actions resolved in favor of the plaintiff totaling \$730 million dollars.²⁶ Officers contributed .02% of this figure (\$146,000); the rest was paid by local and state governments, which are funded by taxpayer dollars (\$729,854,000).²⁷ In other words, taxpayers bear the financial burden of police brutality. Finally, there are multiple indirect costs including anger, fear, and mistrust of law enforcement and government officials.²⁸ Police brutality with minimal accountability is a violation of the social contract, wherein citizens agree to exchange a measure of liberty for state services and protection.²⁹ However, violation of this system by state actors, like police, naturally results in civil disobedience like protests, or worse. Damage to health, property, and trust between

²² Hudson, "Families of Police Violence Victims Face Trauma Without Support".

²³ Lumsden, "How Much is Police Brutality Costing America?"

²⁴ Avidan Cover, "Reconstructing the Right Against Excessive Force", *Case Western Reserve University School of Law*, 2016, https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2650&context=faculty_publications.

²⁵ Corley, "Police Settlements: How The Cost Of Misconduct Impacts Cities And Taxpayers".

²⁶ Lumsden, "How Much is Police Brutality Costing America?"

²⁷ Lumsden, "How Much is Police Brutality Costing America?"

²⁸ Corley, "Police Settlements: How The Cost Of Misconduct Impacts Cities And Taxpayers".

²⁹ "Ethics Explainer: Social Contract", *The Ethics Centre*, August 31, 2016, <https://ethics.org.au/ethics-explainer-social-contract/>.

citizens and state are to be expected; the ongoing protests we are seeing today are the result of the real problem of police brutality with minimal accountability.

III. History/Background

While newspaper clippings and personal testimonies indicate police brutality is as old as policing itself, research data clearly establishes the issue in the early 20th century. The 1929 *Illinois Crime Survey* was intended to examine crime activity in the Chicago area, particularly associated with the gangster Al Capone, but it also inadvertently revealed massive police brutality against Black Americans.³⁰ According to the survey, Black Americans comprised only 5% of the area population, but accounted for 30% of police killings.³¹ Shortly after, President Herbert Hoover established the National Commission on Law Observance and Enforcement to examine crime across the nation as related to prohibition, as well as police tactics. In 1931, the commission published 14 volumes of findings including its “Report on Lawlessness in Law Enforcement”, which revealed police brutality was a major problem throughout the United States. The report states, “the use of physical brutality, or other forms of cruelty is widespread. Specific tactics included protracted questioning, threats and methods of intimidation, physical brutality, illegal detention, and refusal to allow access of counsel to suspects.”³² Furthermore, the report found police brutality was especially directed at racial minorities, labor union activists, members of radical political groups, and the poor.³³ The “Report on Lawlessness in Law Enforcement” had an immediate impact on policing, primarily for its level of detail and placing the issue of police brutality in the national spotlight. For the first time, citizens and policymakers

³⁰ Katie Nodjimbadem, “The Long, Painful History of Police Brutality in the U.S.”, *Smithsonian Magazine*, July 27, 2017, <https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/>.

³¹ Nodjimbadem, “The Long, Painful History of Police Brutality in the U.S.”.

³² Kermit Hall and Samuel Walker, “Part 1: Records of the Committee on Official Lawlessness”, *Records of the Wickersham Commission on Law Observance and Enforcement*, 1997, http://www.lexisnexis.com/documents/academic/upa_cis/1965_WickershamCommPt1.pdf.

³³ Hall and Walker, “Part 1: Records of the Committee on Official Lawlessness”.

began to discuss police reform. The report and national discussion led to the employment of progressive police leaders in the 1930's, and the implementation of reform measures such as formal internal affairs units, which were specifically created to receive citizen complaints and investigate officers.³⁴

On the heels of these early attempts at reform from within, the Supreme Court began to establish legal standards within the criminal justice system. In 1932, the Supreme Court ruling on *Powell v. Alabama* showed the highest court in the land was willing to examine criminal justice practices for constitutional violations, broadly speaking.³⁵ In 1936, the Supreme Court addressed police brutality more specifically by ruling in *Brown v. Mississippi* that use of violence to obtain an involuntary confession is a violation of Fourteenth Amendment rights, and such confessions cannot be entered into evidence.³⁶ This overturned the conviction of a Black man, whose confession had been violently coerced by police.

Despite these initial steps toward police reform, police brutality continued to be a problem in the United States, and was particularly evident during the Civil Rights Era of the 1950's and 60's. While citizens engaged in peaceful protests, marches, and sit-ins for equal rights, police utilized aggressive tactics to disperse crowds (primarily composed of Black Americans) including fire hoses, tear gas, dogs, and beating protesters.³⁷ In protests that turned violent, such as riots, research found that police behavior instigated said violence in at least 50% of the incidents examined.³⁸ That is to say, police were not reacting to violence that was already ongoing in a community, rather, their behavior sparked violence in some way.³⁹ Such was the

³⁴ Hall and Walker, "Part 1: Records of the Committee on Official Lawlessness".

³⁵ "Powell v. Alabama." Oyez, www.oyez.org/cases/1900-1940/287us45. Accessed 4 Oct. 2020.

³⁶ Elianna Spitzer, "Brown v. Mississippi: Supreme Court Case, Arguments, Impact", *ThoughtCo.*, May 03, 2019, <https://www.thoughtco.com/brown-v-mississippi-4177649>.

³⁷ Elona Neal, "A History of Police Violence in America", *Stacker*, August 15, 2020, <https://stacker.com/stories/4365/history-police-violence-america>.

³⁸ Nodjimbadem, "The Long, Painful History of Police Brutality in the U.S.".

³⁹ Nodjimbadem, "The Long, Painful History of Police Brutality in the U.S.".

case in 1967 when police beat a Black cab driver during a traffic stop in Newark, New Jersey, after which local residents engaged in four days of violent unrest, killing 26.⁴⁰ In the early 1960's, President John F. Kennedy declared the week of May 15 National Police Week to recognize law enforcement for "protecting Americans since the nation's birth".⁴¹ Shortly after, in his famous "I Have a Dream" speech, Martin Luther King, Jr. declared, "We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality."⁴² Clearly, there were contradictory narratives and experiences of policing among American citizens at this time, of which race played an important role.

Two Supreme Court rulings in the 1960's resulted in major changes in policing. The ruling in *Mapp v. Ohio* established that evidence obtained in violation of the Fourth Amendment, which protects citizens against unlawful search and seizure, cannot be used in criminal prosecutions.⁴³ Later, the ruling in *Miranda v. Arizona* established protection for suspects by requiring police to inform them of their right to legal representation, and their Fifth Amendment right against self-incrimination.⁴⁴ This case led to the creation of Miranda Rights.

In the 1970's and 80's, special commissions and civilian review boards were implemented around the US in an effort to increase accountability within police departments, and address citizen complaints of police brutality and corruption.⁴⁵ In response to specific instances of police brutality, the United States Commission on Civil Rights recommended police

⁴⁰ Neal, "A History of Police Violence in America".

⁴¹ John F. Kennedy, "Proclamation 3466 – Police Week and Peace Officers Memorial Day, 1962", *The American Presidency Project*, <https://www.presidency.ucsb.edu/documents/proclamation-3466-police-week-and-peace-officers-memorial-day-1962>.

⁴² Olivia Waxman, "How the U.S. Got Its Police Force", *Time*, May 18, 2017, <https://time.com/4779112/police-history-origins/>.

⁴³ Brian Duignan, "Mapp v. Ohio", *Britannica*, January 29, 2020, <https://www.britannica.com/event/Mapp-v-Ohio>.

⁴⁴ "Miranda v. Arizona", *Britannica*, May 21, 2020, <https://www.britannica.com/event/Miranda-v-Arizona>.

⁴⁵ Samuel Walker, *The New World of Police Accountability (1st ed.)*, Thousand Oaks, CA: SAGE Publications, Inc., ISBN 978-1-412-90943-3.

departments adopt early intervention programs to identify problem behavior among officers.⁴⁶

Unlike changes brought on by Supreme Court rulings, these measures were merely suggested and implemented at the local level, if at all. Therefore, methods, standards, and success rates varied greatly across the US.

Among other things, the 1994 Violent Crime Control and Law Enforcement Act, also known as the Crime Bill, allowed for civil suits to be brought against law enforcement agencies, in an attempt to address ongoing police brutality and increase accountability within police organizations.⁴⁷ Like previous Supreme Court rulings, the Crime Bill was nationally applicable. In time, the Crime Bill has proven extremely controversial. By awarding federal funding, building more jails and prisons and passing more punitive legislation have been incentivized, both of which increased the number and length of prison sentences, as well as reduced the possibility of early release of inmates.⁴⁸ In these ways, the Crime Bill has contributed to the drastic increase of mass incarceration in the US, which disproportionately impacts Black Americans.⁴⁹ However, considering the impact of the Crime Bill on police organizations only, it caused several major cities to enter into consent decrees or memorandums of understanding with the Department of Justice in order to push internal reforms and reduce instances of police brutality.⁵⁰

Since 2000, some police organizations have embraced certain approaches to policing intended to build trust and collaboration between citizens and police, as well as minimize instances of police brutality. These include de-escalation as a method of conflict resolution, obtaining voluntary compliance, community policing methods and building relationships with

⁴⁶ Samuel Walker, Geoffrey Alpert, and Dennis Kenney, "Early Warning Systems: Responding to the Problem Police Officer", *National Institute of Justice*, July 2001, <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf>.

⁴⁷ Walker, *The New World of Police Accountability*.

⁴⁸ Ed Chung, Betsy Pearl, and Lea Hunter, "The 1994 Crime Bill Continues to Undercut Justice Reform—Here's How to Stop It", *Center for American Progress*, March 26, 2019, <https://www.americanprogress.org/issues/criminal-justice/reports/2019/03/26/467486/1994-crime-bill-continues-undercut-justice-reform-heres-stop/>.

⁴⁹ Jones and Sawyer, "Not Just 'A Few Bad Apples'".

⁵⁰ Walker, *The New World of Police Accountability*.

citizens in a community, evidence-based policing methods utilizing data in decision-making, and civilian oversight of police activities.⁵¹ Like the reform measures of the 1970's and 80's, these efforts are voluntary and implemented at the local level, and therefore, tracking results nationally is quite difficult.

Since the first concrete data indicating police brutality was a major issue in the US, there have obviously been multiple efforts to address it at federal and local levels, the purposes of which have been to build protections for citizens into policing. The Supreme Court especially has played a major role in attempts at accountability and reform within policing by setting national standards. At the same time, police unions have played a major role in fighting reforms. Ironically, police forces were created to contain labor union activism and protest in the late 19th century.⁵² As workers sought to improve working conditions, increase wages, and reduce hours, they formed labor unions and challenged the existing power structure, and in response, police were enlisted by employers to protect business and private property.⁵³ This naturally placed police in conflict with activist movements as enforcers of the status quo, a dynamic which is evident in many protest movements today. In the early 20th century, the New Deal and the Great Migration significantly shifted the focus of police forces. Labor union activity was largely legalized by the New Deal, and when police no longer had to manage union conflicts, their attention turned to the influx of Black Americans moving to northern states. Policing Black neighborhoods became the focus of urban police forces, another dynamic evident today in the

⁵¹ Walker, *The New World of Police Accountability*.

⁵² Matthews, "How Police Unions Became So Powerful".

⁵³ Paul F. Clark, "Why Police Unions Are Not Part of the American Labor Movement", *The Conversation*, August 26, 2020, <https://theconversation.com/why-police-unions-are-not-part-of-the-american-labor-movement-142538>.

disproportionate number of Black Americans who are engaged by the criminal justice system, and are victims of police violence in particular.⁵⁴

Police unions were born in the 1950's and 60's with the legalization of collective bargaining for public sector employees.⁵⁵ Today, police unions employ collective bargaining to negotiate police contracts that minimize transparency and accountability. The identity of police is grounded in the concept of law and order, and furthermore, a belief that police are all that prevents society falling into chaos. Police unions have successfully leveraged these ideas into contracts that minimize public scrutiny and legal consequences of police misconduct and violence. Unlike most unions, these are historically and fundamentally conservative organizations.⁵⁶ According to a September 2016 poll by Police Magazine, 84% of officers polled reported an intention to vote for Donald Trump.⁵⁷ The National Association of Police Organizations, comprised of over 1,000 police unions, officially endorsed President Trump in 2020, describing him as “the most pro-law-enforcement President we have ever had”.⁵⁸ Across the US, they are the most vocal interest group in opposition of criminal justice reform, particularly regarding police reform measures.⁵⁹

Policing has certainly changed over time, but instances of police brutality, particularly against Black Americans, have not decreased. To date, 28% of the 986 people killed by police to date in 2020 have been Black Americans, which is almost the same rate recorded in the 1929

⁵⁴ Aaron Bekemeyer, “The Long Tie Between Police Unions and Police Violence – And What To Do About It”, *The Washington Post*, June 09, 2020, <https://www.washingtonpost.com/outlook/2020/06/09/limits-when-police-can-use-force-is-better-solution-than-banning-police-unions/&client=safari&hl=en&gl=au&strip=0&vwsrc=0>.

⁵⁵ Clark, “Why Police Unions Are Not Part of the American Labor Movement”.

⁵⁶ Bekemeyer, “The Long Tie Between Police Unions and Police Violence”.

⁵⁷ David Griffith, “The 2016 POLICE Presidential Poll”, *POLICE Magazine*, September 02, 2016, <https://www.policemag.com/342098/the-2016-police-presidential-poll>.

⁵⁸ James Rainey, “Union Leader Tells Republican Convention Why Cops Back Trump”, *Los Angeles Times*, August 26, 2020, <https://www.latimes.com/politics/story/2020-08-26/republican-convention-california-trump-police-leader-endorsement>.

⁵⁹ Dylan Matthews, “How Police Unions Became So Powerful – And How They Can Be Tamed” *Vox*, June 24, 2020, <https://www.vox.com/policy-and-politics/21290981/police-union-contracts-minneapolis-reform>.

Illinois Crime Survey.⁶⁰ Police brutality is an ever-present issue in the US as evidenced by the continued police killings of Black Americans, and the popularity of the Black Lives Matter movement. Black Lives Matter (BLM) was founded in 2013 after George Zimmerman, a neighborhood watch volunteer, was acquitted of killing 17-year-old Trayvon Martin, who was walking home from a convenience store. While the movement was not founded in response to an instance of police brutality specifically, it has grown into an international social movement dedicated to fighting racism and anti-Black violence, primarily resulting from police brutality.⁶¹ BLM began as an online movement with the social media hashtag #BlackLivesMatter. Today, it is best defined as a decentralized grassroots movement led by activists. BLM has chapters across the US, and is associated with the nonprofit civil rights organization Black Lives Matter Global Network Foundation, which is active in the US, Canada, and the United Kingdom.⁶² BLM has organized many large and impactful protests in cities across the US and the world in response to ongoing police brutality against Black people, most recently the death of George Floyd in Minneapolis, Minnesota in police custody. The Executive Order on Safe Policing for Safe Communities and the George Floyd Justice in Policing Act of 2020 are direct responses to BLM protests.

Mapping Police Violence is a tool that allows users to explore statistical data on police violence across the US since 2013, and data suggests police killings are occurring at the same rate as previous years. Geography matters; police killings have decreased in cities overall, but increased in suburban and rural areas (see Figure 3). Some cities have seen a significant decrease in police killings, while others have not (see Figure 3).

⁶⁰ Mapping Police Violence, <https://mappingpoliceviolence.org>.

⁶¹ "Black Lives Matter", *Britannica*, August 13, 2020, <https://www.britannica.com/topic/Black-Lives-Matter>.

⁶² "Black Lives Matter", *Britannica*.

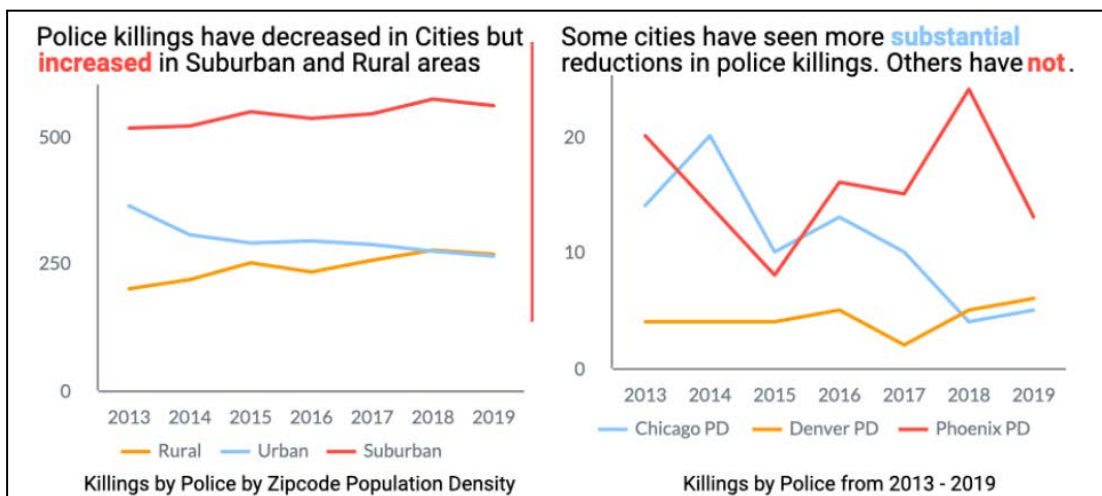


Figure 3. Rates of police killings in cities versus rural areas, and between cities, are variable.⁶³

This has led some to believe rates of police violence are increasing or decreasing, which is reflected in local reporting, but national rates are holding steady. Interestingly, rates of police violence, at least in cities, are not correlated to instances of violent crime (see Figure 4).

The Executive Order on Safe Policing for Safe Communities, signed by President Trump on June 16, 2020, provides federal grant funding to support best practices in qualifying police departments, meaning those which have been certified by independent bodies as meeting high standards of de-escalation and use-of-force protocol.⁶⁴ Funding is available for the specific purposes of training officers in the areas of mental health crises, addiction, and homelessness, as well as information sharing among police organizations to track officers with problematic records and citizen complaints.⁶⁵ Though the order stipulates funding, credentialing, training, and information sharing, it continues to utilize police officers as the primary agents to address urgent social service needs in communities. Additionally, while this order is nationally applicable, it is a directive, not a law. It does not require any police organization to follow it; the

⁶³ Mapping Police Violence, "Police Violence is Changing Over Time", <https://mappingpoliceviolence.org>.

⁶⁴ "Executive Order on Safe Policing for Safe Communities", the White House.

⁶⁵ "Executive Order on Safe Policing for Safe Communities", the White House.

order merely incentivizes reform measures. Furthermore, it may be overturned by another administration.

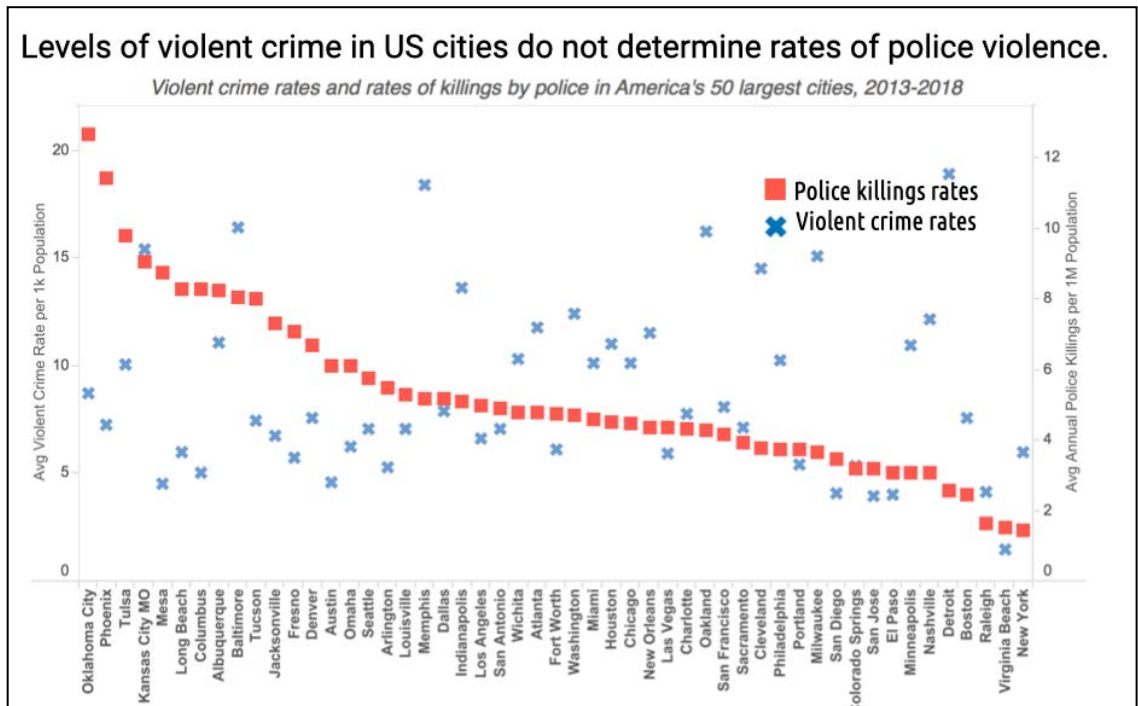


Figure 4. Levels of violent crime in US cities do not determine rates of police violence.⁶⁶

The George Floyd Justice in Policing Act of 2020, which passed the House of Representatives on June 25, 2020, includes several specific police reform measures. It is led by Rep. Karen Bass (D-CA-37), who also chairs the Congressional Black Caucus. The bill entails revising federal law on criminal police misconduct and reforming qualified immunity, making it easier to charge and prosecute police, as well as hold them financially accountable for their actions; banning no-knock warrants and choke holds at the federal level; mandating racial bias training at the federal level; making lynching a federal crime; establishing a national registry of police misconduct; requiring states to report use-of-force incidents to the Justice Department; requiring deadly force is only used as a last resort; requiring police to increase use of body and dashboard cameras; and finally, limiting the transfer of military equipment to local police

⁶⁶ Mapping Police Violence, "It's Not About Crime", <https://mappingpoliceviolence.org>.

departments.⁶⁷ This is a federal legislative measure which, if passed, would carry the weight of law. It is not expected to advance in the Senate, however, as Republicans have indicated the bill goes too far in multiple areas, such as reforming qualified immunity. In a similar vein, Senate Democrats recently rejected the Republican version of a police reform bill, called the Justice Act, for not going far enough.⁶⁸ Neither bill, nor the Executive Order on Safe Policing for Safe Communities, addresses a key demand of protesters: defunding police organizations in favor of social services.⁶⁹

IV. Policy Proposal

The goal of this policy proposal is to establish a national policing alternative to non-violent crises, and decrease police killings in the US. In measurable terms, this equates to a 20% decrease in police killings in the first three years, and a 40% decrease in five years. A 20% decrease would bring annual police killings down from 33.5 to 26.8 per 10 million people (1,099 to 879 total deaths), and a 40% decrease would bring the annual figure to 20.1 per 10 million (659 total deaths). While these figures are still higher than rates of annual police killings in other nations, it creates movement in the right direction. Canada and Australia, for example, are similar to the US in both governance and resources. They also claim the next highest rates of annual police killings after the US at 9.8 and 8.5 per 10 million people, respectively. These nations show that it is possible to maintain annual police killings at significantly lower levels. Combining this policy proposal with additional police reform measures may allow the US to reach similar rates.

⁶⁷ Li Zhou and Ella Nilsen, "The House Just Passed a Sweeping Police Reform Bill", *Vox*, June 25, 2020, <https://www.vox.com/2020/6/25/21303005/police-reform-bill-house-democrats-senate-republicans>.

⁶⁸ Li Zhou, "Why Senate Democrats Just Tanked the Republican Police Reform Bill", *Vox*, June 24, 2020, <https://www.vox.com/2020/6/24/21301746/senate-police-reform-vote>.

⁶⁹ Zhou and Nilsen, "'The House Just Passed a Sweeping Police Reform Bill'".

There are many evidence-based police reform measures which legislators might discuss and implement, several of which were included in the Executive Order on Safe Policing for Safe Communities and recent legislative efforts. This policy proposal focuses on one measure, increasing non-police services, which has been largely ignored despite evidence of its efficacy and demands from activists and citizens. It is worth noting the differences in alternate response models, which means non-violent crises within the community are met with something other than a law enforcement response. The most common alternate response model is Crisis Intervention Team (CIT) trained police officers. This model is police-based, and indicates some police officers in a department have received special training around mental illness, psychiatric medication, substance use, and de-escalation techniques.⁷⁰ Police officers are still primary responders for urgent social service needs, though their approach is meant to be informed by CIT training. While CIT has been widely implemented nationally and internationally since it began in 1988, evidence suggests it is ineffective in preventing injuries to officers, as well as injuries and death to citizens.⁷¹ This policy proposal focuses on intervention by professionals trained in medical care and crisis response, who are notably not police officers. In summary, crisis intervention is a broad term which could refer to a number of alternate response models. CIT is a commonly used model, while this policy proposal focuses on mobile medical and crisis response teams which are separate from law enforcement. These teams are not staffed by police officers, and work spaces are not located where police are.

⁷⁰ University of Memphis CIT Center, <http://www.cit.memphis.edu/overview.php?page=2>, Accessed 28 October, 2020.

⁷¹ Michael Rogers, Dale McNiel, and Renee Binder, "Effectiveness of Police Crisis Intervention Training Programs", *Journal of the American Academy of Psychiatry and the Law*, September 2019, <http://jaapl.org/content/early/2019/09/24/JAAPL.003863-19>.

Research suggests approximately 50% of people killed by police experienced mental illness.⁷² Investing in non-police services has successfully decreased police violence in some cities, and provided substantial cost savings to local governments.⁷³ This policy proposal suggests investing in a mobile medical and crisis response model, comprised of professionals who work in teams, to respond to emergency calls involving mental illness, addiction, homelessness, or other non-violent crises in place of police officers. The goal is to medically, psychologically, and emotionally stabilize clients and connect them to appropriate medical and social services, in lieu of jail or unwarranted psychiatric hospitalization. This policy proposal is modeled on the CAHOOTS program (Crisis Assistance Helping Out On The Streets) in Eugene, Oregon, which has been practicing this model since 1989.⁷⁴ Notably, of the 24,000 calls that CAHOOTS responded to last year, staff only requested police back-up 150 times, which is less than 1% of their calls.⁷⁵ Such a drastic reduction in armed police response naturally results in fewer opportunities of police violence against citizens. This policy proposal seeks to prioritize mobile medical and crisis response teams on a national scale to more appropriately address community needs, and reduce the possibility of police violence.

Though this policy proposal addresses police brutality indirectly, by replacing police contacts with medical and mental health professionals in non-violent situations, the target population is nevertheless police officers and police departments. This is where policy changes will have the largest impact, by changing the amount and type of engagements police have with the public, and by restructuring police department budgets. At the same time, US citizens are

⁷² Sarah DeGue, Katherine Fowler, and Cynthia Calkins, "Deaths Due to Use of Lethal Force by Law Enforcement", *American Journal of Preventive Medicine* vol 51(5), 173-187, November 01, 2016, <https://doi.org/10.1016/j.amepre.2016.08.027>.

⁷³ Stephanie Pappas, "How to Actually Stop Police Brutality, According to Science", *Live Science*, June 04, 2020, <https://www.livescience.com/evidence-police-brutality-reform.html>.

⁷⁴ "What is CAHOOTS?", *White Bird Clinic*, <https://whitebirdclinic.org/what-is-cahoots/>, Accessed 29 October, 2020.

⁷⁵ "What is CAHOOTS?", *White Bird Clinic*.

another target population, as the goal of this policy proposal is to decrease police killings of civilians. Mobile medical and crisis response teams will be run by social service organizations not affiliated with police departments, much like CAHOOTS is run by White Bird Clinic, a nonprofit agency providing medical and other social services to residents of Eugene. Maintaining physical and administrative separation between police and mobile medical and crisis response teams contributes to keeping police removed from non-violent community engagements, though some connection will be maintained. For example, crisis response teams will be dispatched by the emergency response system like police and fire services. Additionally, program funding will be channeled through police department budgets.

This is a free service to consumers, and will cost approximately \$40 billion over 10 years for an average of \$4 billion per year. This is equivalent to or lower than police department budgets in many large cities; New York City alone spends \$5 billion per year on policing, for example.⁷⁶ Funding for this service will be provided through federal grants to state governments, further distributed to municipalities, with a matching requirement. In most cases, municipalities will likely conduct partial budget restructuring of all municipal services, but especially police department budgets, specifically taking a portion of funding from police departments for patrol (the largest portion of any police department budget), and applying it to mobile medical and crisis response teams. Depending on how municipalities decide to restructure budgets to support this policy proposal, some police jobs may be at risk, though this is not certain.

While the initial investment will impact municipal budgets, mobile medical and crisis response teams have been shown to provide tremendous cost savings to public safety, police,

⁷⁶ Carl Sullivan and Carla Baranauckas, "Here's How Much Money Goes to Police Departments in Largest Cities Across the U.S.", *USA Today*, June 26, 2020, <https://www.usatoday.com/story/money/2020/06/26/how-much-money-goes-to-police-departments-in-americas-largest-cities/112004904/>.

and emergency room services, which can be utilized to replace federal funding and maintain programs in the long term.⁷⁷ For example, the CAHOOTS program budget is \$2.1 million annually, but saves the city of Eugene a combined \$14 million annually (more below under Policy Analysis).⁷⁸ More specifically, the program saves the Eugene Police Department \$4.5 million annually, and handles 5 – 8% of their call volume on average.⁷⁹ While scaling this type of program nationally is difficult, estimates provide some basic guidance on cost and savings. The \$2.1 million CAHOOTS program supports a population of 172,622 in Eugene, which breaks down to a cost of \$12.14 per resident. Scaled to a US population of 328.2 million results in a national cost of \$4 billion annually. However, we know CAHOOTS saves the city of Eugene more than six times the cost of its own program. Scaled to the US, this calculates to a savings of over \$24 billion annually and \$240 billion over ten years. These figures are far from exact, but they indicate overall savings. Programs will more than cover their own costs through savings to other municipal services and provide an opportunity to spend on other municipal needs, not only funding all needed police jobs, but also creating jobs for medical and mental health professionals. This model is not meant to punish police by restricting their budget and taking their jobs; it is ultimately a partnership with police. This policy proposal provides a more appropriate and effective community intervention to address non-violent situations, allowing police to focus on violent crime, investigation, and incarceration, among other things.

The policy authorization tool is legislation, so as to establish nationally applicable and federally enforceable policing and crisis response standards for non-violent crises and calls for assistance. This measure is in keeping with other evidence-based police reform measures

⁷⁷ R. L. Scott, "Evaluation of a Mobile Crisis Program: Effectiveness, Efficiency, and Consumer Satisfaction", *Psychiatric Services*, vol 51(9), 1153-1156, October, 2000, <https://pubmed.ncbi.nlm.nih.gov/10970919/>.

⁷⁸ "What is CAHOOTS?", *White Bird Clinic*.

⁷⁹ Eugene Police Department, "CAHOOTS", <https://www.eugene-or.gov/4508/CAHOOTS>.

included in the George Floyd Justice in Policing Act of 2020. This existing legislation would be an appropriate vehicle for an additional police reform measure. Alternatively, this policy proposal could stand on its own as a piece of legislation to introduce police reform at the national level in a way that is focused on a singular intervention, and therefore more socially acceptable and manageable from a funding and administrative standpoint.

V. Policy Analysis

Pros.

As stated, this policy proposal provides significant cost savings. A case study of CAHOOTS indicates the program budget is approximately \$2.1 million annually, yet they save the city of Eugene \$8.5 million in public safety spending.⁸⁰ According to city data, the program saves the Eugene Police Department an additional \$4.5 million, plus \$1 million in EMS and Emergency Room diversion savings.⁸¹ Furthermore, a research study on the effectiveness, efficiency, and consumer satisfaction of mobile crisis programs found the average cost per case for mobile crisis services was \$1,520, compared to police intervention at \$1,963.⁸² In the context of this study, mobile crisis services cost 23% less per case than police intervention. Finally, according to an analysis by the Substance Abuse and Mental Health Services Administration (SAMSHA), “significant cost savings can result from crisis services, due to reduced inpatient utilization, emergency department diversion and more appropriate use of community-based behavioral health services.”⁸³ This data suggests the efficiency of this policy proposal.

⁸⁰ “What is CAHOOTS?”, *White Bird Clinic*.

⁸¹ Candice Bernd, “Community Groups Work to Provide Emergency Medical Alternatives, Separate From Police”, *Truthout*, September 14, 2015, <https://truthout.org/articles/community-groups-work-to-provide-emergency-medical-alternatives-separate-from-police/>.

⁸² Scott, “Evaluation of a Mobile Crisis Program: Effectiveness, Efficiency, and Consumer Satisfaction”.

⁸³ “Crisis Services: Effectiveness, Cost- Effectiveness, and Funding Strategies”, Substance Abuse and Mental Health Services Administration, 2014, https://www.nasmhpd.org/sites/default/files/SAMSHA%20Publication%20on%20Effectiveness%20%26%20Cost-Effectiveness%20of%2C%20and%20Funding%20Strategies%20for%2C%20Crisis%20Services%206-5-14_8.pdf.

Second, a research study shows mobile medical and crisis response teams are a more appropriate intervention for many citizens experiencing crisis, particularly around mental illness and substance use.⁸⁴ Additionally, these teams are viewed favorably by citizens, police, and subject matter experts.⁸⁵ The Eugene Police Department acknowledges that CAHOOTS teams are often far better equipped to deal with situations, and an armed police response is not the best option.⁸⁶ Mental Health America (MHA), which is a major service provider, as well as a research and thought leader in the field, also advocates for the appropriateness of mobile medical and crisis response teams. In their own words:

“Mental Health America supports coordinated efforts to identify and provide those services necessary to reduce the prevalence of mental health and substance use crises, and to ensure that crises are responded to in a manner that is least damaging and most apt to result in a peaceful and therapeutic outcome. This includes providing mobile crisis response teams made up of mental health professionals.”⁸⁷

Similarly, Ron Bruno is the Executive Director of Crisis Intervention Team International and a retired police officer. CIT International is a crisis intervention training program for police, and yet he states:

“We need to build community resources that can respond and take care of a crisis without having law enforcement involved. The moment is now ripe for more cities to create specially trained, mobile crisis response teams made up of mental health clinicians, medical professionals and, perhaps, peer support specialists... All I'm talking about is a non-law enforcement crisis response team. Whatever disciplines you want to make up that team, it works.”⁸⁸

⁸⁴ Scott, “Evaluation of a Mobile Crisis Program”.

⁸⁵ Scott, “Evaluation of a Mobile Crisis Program”.

⁸⁶ Alex Thornton, “This US City Sends Mental Health Workers Instead of Police to Non-Criminal Emergency Calls”, *World Economic Forum*, July 15, 2020, <https://www.weforum.org/agenda/2020/07/mental-health-replace-police/>.

⁸⁷ Mental Health America, “Position Statement 59: Responding To Behavioral Health Crises”, March 03, 2017, https://www.mhanational.org/issues/position-statement-59-responding-behavioral-health-crises#_edn7.

⁸⁸ Liz Baker, “Mental Health And Police Violence: How Crisis Intervention Teams Are Failing”, *NPR All Things Considered*, September 18, 2020, <https://www.npr.org/2020/09/18/913229469/mental-health-and-police-violence-how-crisis-intervention-teams-are-failing>.

The United Kingdom practices a similar model; ambulance services typically respond to community crises, with mental health professionals available for support as needed. It has worked so well that the UK has increased spending to improve capacity of the ambulance service in order to meet mental health needs, which includes providing additional mental health education and training to ambulance staff, hiring more mental health professionals, and funding dedicated mental health response vehicles and staff.⁸⁹ This shows mobile medical and crisis response in place of police officers can be successful in a wealthy, Democratic country similar to the US. Overall, data suggests the equity and efficacy of this policy proposal. According to Chief Constable Mark Collins, the National Police Chiefs' Council lead for Mental Health:

*"The police service is responding to increased levels of demand caused by incidents related to mental health, which are not crime related. Any strengthening for mental health provision, enabling practitioners to offer appropriate care and support to those in mental health crisis is welcome. This should ease the pressure on our people and ensure those in mental health crisis have more direct access to treatment in line with their care needs."*⁹⁰

Finally, due to fewer police interactions, there are fewer opportunities for police violence. There is no data on lives saved from police violence due to crisis response team intervention, but simple math provides some numbers to consider. For example, in 2017, CAHOOTS responded to 17% of calls to the Eugene Police Department.⁹¹ According to the Bureau of Justice Statistics, 53.5 million people age 16 years or older had contact with the police in 2015.⁹² If mobile medical and crisis response teams replaced 17% of police contacts, that is 9.1 million fewer opportunities for police violence. If teams replaced even 10% of police

⁸⁹ National Health Service, "Crisis and Acute Mental Health Services", <https://www.england.nhs.uk/mental-health/adults/crisis-and-acute-care/>, Accessed October 31, 2020.

⁹⁰ "Mental Health Crisis Services Rolled Out Across England", *National Health Service*, March 05, 2020, <https://www.england.nhs.uk/2020/03/mental-health-crisis-services-rolled-out-across-england/>.

⁹¹ Crisis Assistance Helping Out On The Streets, "Media Guide 2020", *White Bird Clinic*, 2020, <https://whitebirdclinic.org/wp-content/uploads/2020/07/CAHOOTS-Media.pdf>.

⁹² Elizabeth Davis, Anthony Whyde, and Lynn Langton, "Contact Between Police and the Public 2015", *U.S. Department of Justice*, October 2018, <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>.

contacts, that equates to 5.3 million fewer opportunities for police violence. Not to mention the cost savings and increased opportunities for positive outcomes, as discussed above. Population and police contact figures suggest great opportunity to implement non-police services. Again, data suggests the equity and efficacy of this policy proposal.

Cons.

First is scaling. To date, some type of mobile crisis response service exists in 39 states.⁹³ Their scope and efficacy is dependent on the social service network in a given locality, if one exists.⁹⁴ This points to a larger issue in the US, which is an overall lack of mental health and social services.⁹⁵ That is a separate topic, but important to the issue of scaling mobile crisis response services to a national level, because these will be directly informed by the availability and quality of mental health and social service networks across the country, and these are highly variable. Additional factors impacting scaling include characteristics of a given community, particularly trust of authority and systems, as well as a culture of care.⁹⁶ One major hurdle appears to be overcoming the idea that people experiencing a mental health crisis are fundamentally dangerous, which connects to a response from law enforcement.⁹⁷ Timothy Bird is the Director of Consulting for White Bird Clinic, which manages the CAHOOTS program. His work focuses on the development and support of behavioral health first response programming in North America based on the CAHOOTS model, and on this topic he states simply, “It’s our experience that folks in crisis just aren’t dangerous.”⁹⁸ In some ways, this is a culture shift, and

⁹³ Jeffrey Geller, William Fisher, and Melissa McDermeit, “A National Survey of Mobile Crisis Services and Their Evaluation”, *Psychiatric Services* vol 46(9), 893-897, September 1995, doi: 10.1176/ps.46.9.893.

⁹⁴ Crisis Assistance Helping Out On The Streets, “Media Guide 2020”.

⁹⁵ Mental Health America, “Position Statement 59”.

⁹⁶ Crisis Assistance Helping Out On The Streets, “Media Guide 2020”.

⁹⁷ Baker, “Mental Health And Police Violence”.

⁹⁸ Baker, “Mental Health And Police Violence”.

requires buy-in at all levels, from professionals in the field to everyday citizens. This speaks to challenges around social acceptability and administrative feasibility.

Second, as an alternative solution, this policy proposal does not address police behavior directly. Some might question its importance when compared with direct police reform measures, a topical issue as evidenced by ongoing protests and related legislative efforts. Non-police services are not typically included in the variety of evidence-based police reform measures presented to or under consideration by legislators, such as policy solutions researched by Campaign Zero. This is a project by the nonprofit organization WeTheProtesters, and they specifically encourage policymakers to focus on solutions with the strongest evidence of effectiveness at reducing police violence.⁹⁹ There is currently no mention of non-police services in the George Floyd Justice in Policing Act of 2020, or the Senate version of this bill, the Justice Act. The level of interest and support for non-police measures to reduce police violence, besides demands from activists and citizens, is unclear.

Third is overcoming the prevalence of CIT programs to implement something that appears very similar. Again, CIT is police-based. To date, there are 2,700 CIT programs operating in the US, though experts believe this is a low estimate due to the ease of CIT adoption within larger, urban agencies.¹⁰⁰ Replacing the CIT role of police with mobile medical and crisis response teams (not affiliated with law enforcement) may cause some to question whether the effort and expense is worth it, particularly as it affects funding to police departments. Additionally, there may be some role conflict between police and mobile crisis response teams,

⁹⁹ "Vision", *Campaign Zero*, <https://www.joincampaignzero.org/#vision>, Accessed October 31, 2020.

¹⁰⁰ Rogers et al., "Effectiveness of Police Crisis Intervention Training Programs".

at least temporarily.¹⁰¹ Establishing boundaries of a partnership that benefits both police and mobile crisis response services may assist in this area.¹⁰²

Finally, while the program suggests cost savings in the long term, the initial investment means police jobs may be at risk in the short term. The idea of laying off police will likely be unpopular publicly and politically, especially among police unions (more under Political Analysis), and could even raise unemployment rates temporarily. This could be somewhat ameliorated by cutting costs in other areas of municipal services, or even police departments specifically such as administrative overhead, material costs, and new hires. Municipal budget restructuring, and police budget restructuring in particular, while painful, may be more acceptable across the board knowing cuts are temporary (based on expected cost savings), and contributing to job creation in related areas (medical and mental health professionals). Putting police jobs at risk in the short term is a drawback, however, and expected to be unpopular.

To summarize, pros and cons are based on several case studies of similar programs implemented in US cities and internationally, research studies, expert testimony, as well as research, assessments, and recommendations by leading organizations in the field, notably MHA and SAMHSA. Analysis by SAMHSA in particular confirms with empirical evidence the effectiveness of mobile crisis response services, based on one randomized controlled trial and three quasi-experimental designs.¹⁰³ Data suggests that mobile crisis services are effective at diverting people in crisis from psychiatric hospitalization, effective at linking suicidal individuals discharged from the emergency department to services, and better than hospitalization at

¹⁰¹ Katie Bailey, Staci Paquet, Bradley Ray, et al., “Barriers and Facilitators to Implementing an Urban Co-Responding Police-Mental Health Team”, *Health and Justice* vol 6(21), 2018, <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-018-0079-0#citeas>.

¹⁰² Bailey et al., “Barriers and Facilitators to Implementing an Urban Co-Responding”

¹⁰³ “National Guidelines for Behavioral Health Crisis Care Best Practice Toolkit”, Substance Abuse and Mental Health Services Administration, 2020, <https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf>.

linking people in crisis to outpatient services.¹⁰⁴ Furthermore, by decreasing police contacts, it is likely to achieve its goal of decreasing police violence by decreasing police contacts.

This policy proposal is also efficient. Case studies and expert analysis suggest significant cost savings, though implementing mobile crisis response service nationally may come at an initial cost to police departments, an area of potential argument. Establishing partnership between police and mobile crisis response teams may assist here. Equity is high, as evidence suggests non-police services, particularly medical and crisis response professionals, are a more appropriate intervention for people experiencing mental illness, substance use, homelessness, and other non-violent social needs. According to SAMHSA, mobile crisis team care is an essential element of a crisis system of care, which is further supported by subject matter experts, including police officers and police trainers.¹⁰⁵ The administrative capacity for implementing this policy proposal is highly variable, as it is dependent on existing social service networks across the country, which commonly suffer from a lack of funding and support. Therefore, the timeline for implementing this policy proposal is uncertain; establishing programs in areas without a robust social service network to leverage may take longer than others. Social acceptability is somewhat questionable, based on the widespread notion that people experiencing mental illness are inherently dangerous. However, there is widespread demand from citizens and activists to defund police in favor of non-police services. There is also significant qualitative data from area professionals supporting non-police services, including police and police-adjacent organizations. These are indicators of growing social and professional acceptability.

¹⁰⁴ “National Guidelines for Behavioral Health Crisis Care”.

¹⁰⁵ “National Guidelines for Behavioral Health Crisis Care”.

VI. Political Analysis

This policy proposal hits on several topical themes, of which there are major differences of opinion, both publicly and politically. Major themes include police reform, defunding the police, and increasing support for social services. These themes are individually complex, and not well defined as they are relatively recent conceptions. For example, “defund the police” has become a popular phrase among activists in recent months, but there is also confusion over what it truly means. It could mean defunding police departments entirely, or only partially. It could be understood as a punishment to police for ongoing police violence against citizens, or a strategic reallocation of resources to support police reform efforts. A compilation of polling results from four recent polls shows the phrase “defund the police” is unpopular in public opinion, with 58% of respondents in opposition and only 31% in support (see Figure 5).¹⁰⁶

Most Americans balk at defunding the police			
Recent polls asking people whether they support or oppose the “defund the police” movement or “defunding police departments”			
DATES	POLLSTER	SUPPORT	OPPOSE
June 14-16	The Economist/YouGov	24%	53%
June 12-14	Morning Consult/Politico	28	58
June 10-11	ABC News/Ipsos	34	64
June 9-10	Reuters/Ipsos*	39	57
Average		31	58
*Question only asked of those who said they were very or somewhat familiar with the “defund the police” movement.			
All polls are of adults, except the Morning Consult/Politico poll, which is of registered voters.			

Figure 5. A compilation of polling results by FiveThirtyEight.

However, further examination reveals varying levels of support based on demographic markers and how the theme is defined. For example, when polling results are broken down by

¹⁰⁶ Nathaniel Rakich, “How Americans Feel About ‘Defunding the Police’”, *FiveThirtyEight*, June 19, 2020, <https://fivethirtyeight.com/features/americans-like-the-ideas-behind-defunding-the-police-more-than-the-slogan-itself/>.

race, Black respondents support defunding police at a rate of 45% to 28%, whereas White respondents oppose at a rate of 61% to 23%.¹⁰⁷ These figures are consistent with other polls which show Black Americans are more likely to have negative interactions with police and take the issue of police reform seriously, while White Americans typically maintain a positive view of police.¹⁰⁸ These figures highlight different opinions of police, which are likely based on different experiences of police based on race. Additionally, when polling results are broken down along political lines, Democratic respondents support defunding police at a rate of 50% to 34%, while Republican respondents oppose it 84% to 11%.¹⁰⁹ While polling shows “most Americans oppose defunding police”, notable exceptions appear to be Black Americans and Democrats.

Furthermore, these same polls reveal support for related themes. According to the Reuters/Ipsos poll, respondents who were asked about their support to move some funding currently allocated to police budgets to better officer training, as well as local programs for the homeless, mental health services, and domestic violence, replied affirmatively at a rate of 76% to 22%.¹¹⁰ The Morning Consult/Politico poll asked respondents about their support to redirect local police department funding to community development programs, and they were split in their support at a rate of 43% to 42% against.¹¹¹ While this is not an overwhelmingly positive figure, it is a marked improvement from the rate of support for defunding police at 28% to 58% against. Generally speaking, questions that focused on how police departments might be impacted found less support, while questions that focused on funding community initiatives by

¹⁰⁷ Rakich, “How Americans Feel About ‘Defunding the Police’”.

¹⁰⁸ Hannah Fingerhut, “Deep Racial, Partisan Divisions in Americans’ Views of Police Officers”, *Pew Research Center*, September 15, 2017, <https://www.pewresearch.org/fact-tank/2017/09/15/deep-racial-partisan-divisions-in-americans-views-of-police-officers/>.

¹⁰⁹ Rakich, “How Americans Feel About ‘Defunding the Police’”.

¹¹⁰ Sarah Feldman, “Americans Agree With Police Reform, but Defund the Police Currently A Bridge Too Far”, *Ipsos*, June 15, 2020, <https://www.ipsos.com/en-us/how-americans-feel-about-police-reform>.

¹¹¹ Eli Yokley, “Movement to ‘Defund the Police’ Isn’t Popular, but Voters Are More Open to Its Goal”, *Morning Consult*, June 17, 2020, <https://morningconsult.com/2020/06/17/defund-the-police-community-programs-polling/>.

reallocating some portion of police resources found more support.¹¹² In summary, the idea of defunding police is new to the general public and being defined in real time. While the theme of defunding police is generally unpopular, there does appear to be some level of interest in rethinking the role of police in communities and the financials attached to police and other community services. Public opinion appears somewhat malleable on this issue.

Significant political disagreement on this policy proposal is expected. As a result of ongoing protests to police brutality and calls for police reform, there is bipartisan agreement that action must be taken. However, House Democrats and Senate Republicans have expressed different plans for action, as well as opposition toward the other. For their part, House Democrats proposed sweeping police reforms in the George Floyd Justice in Policing Act of 2020. The bill passed the House, and has been read twice in the Senate. It was placed on the Senate Legislative Calendar under General Orders, and has not been recommended to a committee. Senate Majority Leader Mitch McConnell strongly opposes the bill, and stated, “Democrats want to federalize all of these issues. That’s a non-starter. The House version is going nowhere in the Senate.”¹¹³ At the same time, Senate Republicans proposed their own reforms in the Justice in Policing Act, which did not receive needed support from Senate Democrats to advance. Senate Minority Leader Chuck Schumer, along with Vice President-Elect Kamala Harris and Senator Cory Booker, said Senate Republicans “seem to be on a path towards taking a much, much narrower, less inclusive approach -- that is wrong.”¹¹⁴ Despite bipartisan agreement that action is needed, House Republicans and Senate Democrats have not yet been able to negotiate those actions. It is difficult to say how much political support might be granted

¹¹² Rakich, “How Americans Feel About ‘Defunding the Police’”.

¹¹³ Manu Raju, Clare Foran, and Ted Barrett, “GOP and Democrats Clash Over Police Reform In Congress As Pressure For Action Mounts”, *CNN*, June 17, 2020, <https://edition.cnn.com/2020/06/16/politics/police-reform-senate-republicans/index.html>.

¹¹⁴ Raju, Foran, and Barrett, “GOP and Democrats Clash Over Police Reform In Congress”.

to this policy proposal, though support from Democrats and opposition from Republicans is expected based on existing polling and the current political environment. The political impact of this policy proposal will likely be aligning with one party and alienating the other. Public opinion on police reform, and how this changes over time, will play an important role in political impact, as well.

Another important stakeholder is police unions. As previously explained, these are powerful organizations which have tremendous impact on policy actions involving policing, and are typically in opposition to police reform measures.¹¹⁵ Jacob Frey, the Mayor of Minneapolis, where George Floyd was killed by police earlier this year, explained that the Minneapolis Police Department police union is “a major reason it’s hard to bring order to the Minneapolis Police Department... they create a nearly impenetrable barrier to reform.”¹¹⁶ The barrier that police unions create to police reform is evident in cities across the US.¹¹⁷ Major opposition to this policy proposal is expected from this group, primarily on the grounds of moving some funding away from police departments, and the potential loss of police jobs.

This policy proposal is a direct response to demands to defund police departments in favor of non-police services.¹¹⁸ Citizens and activists have been very vocal on this issue, and have stated the recent Executive Order and legislative efforts have not adequately addressed it.¹¹⁹ Some communities have gone so far as to start their own programs without the benefit of dedicated funding and oversight. Recent program efforts include the MH First program in Sacramento, CA and Oakland, CA, the Oakland Power Projects in Oakland, CA, and the Support

¹¹⁵ Dylan Matthews, “How Police Unions Became So Powerful – And How They Can Be Tamed” Vox, June 24, 2020, <https://www.vox.com/policy-and-politics/21290981/police-union-contracts-minneapolis-reform>.

¹¹⁶ Matthews, “How Police Unions Became So Powerful”.

¹¹⁷ Bekemeyer, “The Long Tie Between Police Unions and Police Violence”.

¹¹⁸ Sam Levin, “The Movement to Defund Police Has Won Historic Victories Across the US. What’s Next?”, *The Guardian*, August 15, 2020, <https://www.theguardian.com/us-news/2020/aug/15/defund-police-movement-us-victories-what-next>.

¹¹⁹ Levin, “The Movement to Defund Police Has Won Historic Victories”.

Team Assistance Response program in Denver, CO. Regarding the program in Denver, a pilot which only launched June 01, Denver Chief of Police Paul Pazen states, “It’s the future of law enforcement, taking a public health view on public safety.”¹²⁰ A similar unnamed pilot program will launch in New York City in February 2021, in which an EMS health professional and a mental health crisis professional will be dispatched by emergency services in place of the NYPD in two high-need communities.¹²¹ Training is currently underway. This policy proposal would address demands of citizens and activists, as well as provide national standards of care and funding.

In the short term, this policy proposal addresses concerns of activists and citizens regarding police violence and calls for police reform. Through the legislative process, lawmakers will have the opportunity to further examine the role of police in communities and the ways in which ongoing police violence is supported financially and administratively. Lawmakers will also have the opportunity to examine the social service landscape across the US, its current capacity and shortcomings, and how these can be improved to support the mental health and social service needs of citizens, decreasing police interactions with vulnerable populations. Despite these benefits, this policy proposal includes short term drawbacks, namely political struggles within Congress and powerful police unions.

In the middle term, we will begin to see data on the effectiveness of this policy proposal, as well as changes to public and political opinions on police reform measures. This will help to inform future policy decisions. Long term benefits include connecting citizens to more appropriate medical and social service interventions, which is more effective, efficient, and

¹²⁰ Elise Schmelzer, “Call Police for a Woman Who is Changing Clothes in an Alley? A New Program in Denver Sends Mental Health Professionals Instead.” *The Denver Post*, September 06, 2020.

<https://www.denverpost.com/2020/09/06/denver-star-program-mental-health-police/>.

¹²¹ “Medical Experts, Not NYPD, Will Respond to 911 Mental Health Calls as Part of Pilot”, *NBC New York*, November 10, 2020, <https://www.nbcnewyork.com/news/local/medical-experts-not-nypd-will-respond-to-911-mental-health-calls-as-part-of-nyc-pilot/2715210/?amp>.

equitable than the status quo. Additionally, minimizing police encounters and police violence, thereby allowing police to focus on instances of violent crime, and ultimately saving lives.

This policy proposal hits on deeply rooted issues which can be difficult to navigate. One is identity, particularly police identity. This policy proposal challenges how police view themselves, and the structures that protect this identity. Another is civil rights, particularly the civil rights and freedoms of vulnerable populations such as Black Americans and the mentally ill, who experience police violence at significantly higher rates than others. This policy proposal challenges who we deem valuable in our society. These issues can be highly personal, emotional, and difficult to navigate in the legislative process.

VII. Recommendation

There is overwhelming evidence of police brutality as an ongoing issue across the US. Furthermore, in addition to demands from activists and citizens, there is bipartisan agreement that something must be done to address it. This policy proposal is one of several police reform measures which may be taken. On its own, this policy proposal only partially solves the problem of police brutality. It does not address the issue directly; rather, it provides a workaround in which medical and mental health professionals intervene on behalf of police in non-violent crises. The biggest benefits are significant cost savings and the proven efficacy of such interventions, according to case studies of similar programs in the US and abroad. Decreasing police engagements and providing more appropriate support for medical and mental health needs likely equates to decreased instances of police brutality, though this is a hypothesis without scientific evidence to support it at this time. This policy proposal is somewhat actionable, though a major shortcoming is its dependence on existing social service networks in order to process funding, manage programs, and provide services. The quality, or even the existence, of social service networks are highly variable across the country. Politically, this policy

proposal is likely to be supported by Democrats, and opposed by Republicans. In a polarized political environment, such as we have in the US today, this policy proposal is no more politically dangerous than other Democratic initiatives. Pushback is expected from conservative lawmakers and voters. The strongest pushback is expected from police unions, who have proven formidable adversaries to police reform across the country.

Despite major cost savings, efficacy, meeting the medical and mental health needs of vulnerable populations more appropriately, and meeting demands from activists and citizens for non-police services, the benefits of this policy proposal do not outweigh the drawbacks. This policy proposal, on its own, is not strong enough to overcome the difficulty of scaling an urgent non-police service to the national level, as well as pushback from conservatives and police unions. Police reform is an important issue in the US, but a stronger vehicle is needed to address it, particularly when federal legislation and funding is involved. I recommend combining this policy proposal with other evidence-based police reform measures, such as the George Floyd Justice in Policing Act of 2020. This is not a recommendation for this particular legislation, which would require separate research and analysis. It is an example of an evidence-based multifocal legislative vehicle, which addresses the issue of police brutality and police reform in a comprehensive manner. Something like this would be more likely to withstand the pushback from political conservatives and police unions. I do not recommend approval of this policy proposal for police reform legislation, as currently outlined.

An alternative might be to pilot this policy proposal on a smaller scale, such as an entire state. California is an appropriate choice, for a few reasons. First, it is a Democratic state, which would likely be more accepting of a policy proposal focused on police reform. Second, the sponsor of the George Floyd Justice in Policing Act of 2020, Rep. Karen Bass, is from California's 37th District. She, and supporters of police reform at the federal level, may be more successful

implementing police reform policy in her home state, which has a more accepting political environment, and lessons learned can be used to inform discussion of police reform at the national level. Third, the state of California would certainly experience the benefits of this policy proposal, as previously discussed. Finally, similar programs have recently been rolled out in California: one in Sacramento, and two in Oakland. There is clearly interest in mobile medical and crisis intervention services in the state. Using state legislation to provide funding and set standards for care and service delivery would promote effective and equitable programs statewide, and shows that California is serious about police reform. As police brutality and police reform is an important topic across the US, confronting this issue legislatively is likely just a matter of time. It would be smart to get in front of this issue, to show Californians and the rest of the nation, that police reform is not only possible, but necessary.



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EDUCATION / CAREER DEVELOPMENT

Johns Hopkins University; Baltimore, MD
Master of Public Management

December 2020 (expected)

University of Southern California; Los Angeles, CA
Master of Social Work

May 2016

University of Washington; Seattle, WA
Bachelor of Arts, English

June 2005

TRAININGS & CERTIFICATIONS

- Registered Licensed Clinical Social Worker #88917 in California, United States
- Applied Suicide Intervention Skills Training (ASIST), Cognitive Behavioral Therapy (CBT), Mind Body Medicine (MBM), Motivational Interviewing (MI), Problem Solving Therapy (PST), Psychological First Aid (PFA)

RELEVANT EXPERIENCE

Sharp Grossmont Hospital; San Diego, CA
Medical Social Worker

April 2017 – November 2018

- Performed biopsychosocial assessments for patients of all ages in an acute care setting.
- Developed collaborative goals and treatment plans with patients, families, and medical staff to support recovery and a successful discharge to the community.
- Provided interdisciplinary case management and care coordination to assist patients and families arrange services and equipment, and connect with appropriate community resources.
- Performed risk assessments and crisis intervention for patients experiencing behavioral health emergencies or abuse, and coordinated support with emergency and protective service agencies.
- Provided evidence-based psychotherapy interventions to assist patients and families adjust to illness, cope with loss, and address issues around mental health and substance abuse.

2-1-1 San Diego; San Diego, CA
Veteran & Military Peer Navigator

June 2016 - April 2017

- Conducted biopsychosocial assessments for military members, veterans, and families.
- Developed collaborative goals and treatment plans with clients, and performed regularly scheduled check-ins to provide support and facilitate progress.
- Provided case management and care coordination services to assist clients in connecting with appropriate community resources.
- Collaborated with 2-1-1 staff, program partners, community resource providers, and mental health professionals to assist clients in accessing care and attaining goals.
- Utilized crisis intervention procedures to support clients experiencing behavioral health emergencies or abuse, and coordinated support with emergency and protective service agencies.
- Performed this role as a Veteran & Military Peer Navigator Intern from Aug 2014 – May 2015.

Naval Medical Center San Diego; San Diego, CA
Medical Social Work Intern, Pediatric Department

August 2015 - May 2016

- Performed biopsychosocial assessments for minors' ages 0 – 18 years and their parents, and assisted patients in connecting with appropriate resources.
- Provided individual psychotherapy to patients utilizing evidence-based interventions with a 100% success rate as measured by goal attainment and symptom reduction.
- Created and co-facilitated a Mind Body Medicine for Adolescents group to teach stress resilience, with a 71% completion rate and an overall rating of "excellent" by participants.

- Performed risk assessments and crisis intervention for adolescents experiencing behavioral health emergencies or abuse, and coordinated support with emergency and protective service agencies.
- Collaborated with multidisciplinary medical teams, military commands, partner agencies, and family members to deliver informed and effective mental health care and practical support.

Trauma Intervention Programs of San Diego (TIP); San Diego, CA August 2015 - October 2016
Emergency Response Volunteer

- Delivered on-site Psychological First Aid to survivors in the immediate aftermath of a traumatic event such as a death, crime, or emergency.
- Collaborated with emergency personnel, assisted survivors to mobilize their support network, and provided community and mental health resources for ongoing support.

The Salvation Army; San Diego, CA August 2013 - July 2014
Community Services Coordinator

- Performed targeted site-specific program development and implementation at 8 Corps Community Centers supporting underserved communities around San Diego County.
- Managed volunteer staff including hiring, training, and placing volunteers into specialized community programs at 8 Corps Community Centers.
- Managed major holiday fundraising events including the divisional Red Kettle Campaign and All-Star Bell Ringer Day, raising \$8,000 to support divisional programs.
- Coordinated 250 volunteers and served 3,000 guests for the 2013 Thanksgiving and Christmas dinner programs, in partnership with Volunteer Department staff.

MILITARY EXPERIENCE

United States Navy Reserve July 2012 - June 2015
Commander Naval Surface Force, U.S. Pacific Fleet, Detachment C; San Diego, CA

- Assumed responsibilities as Executive Officer, a vacant billet, to ensure combat readiness of a 40-member unit in partnership with the Commanding Officer.
- Responsibilities included staff management and development, collaboration with fleet partners, strategic planning, data analysis, and budget execution.

United States Navy November 2009 - June 2012
Supply Officer – Office of Special Projects; Washington, D.C.

- Managed the financial portfolios for three top-secret federal acquisition programs with a combined annual budget of \$18 million.
- Responsibilities included accounting, budget execution, data analysis, fiscal reporting, and customer service.

Disbursing Officer – USS PINCKNEY (DDG-91); San Diego, CA September 2007 - Nov. 2009

- Managed the ship's accounts, as well as the repair material, provisions, and retail sales inventories with a combined value of \$24 million.
- Supervised 39 Sailors in the supply department, and ensured the successful execution of the department's daily tasks.

SKILLS & INTERESTS

- *Proficient with Microsoft Office suite and Mac. Typing speed: 90 wpm.*
- *Long distance hiking and backpacking. Completed the Camino de Santiago in 2013, the John Muir Trail in 2015, the Lost Coast Trail in 2016, and several multi-day trips in California's Sierra Nevada range and Australia's eastern coast.*

References Provided Upon Request